

Appl. No. 10/804,322  
Supplemental Reply to Office action of March 27, 2006  
Page 7 of 8

### REMARKS

Claims 1-24 are pending and stand rejected in the above-referenced office action. Applicant appreciates the withdrawal of the previous grounds of rejection based upon the arguments presented. In accordance with the foregoing, claims 1-3, 11-12, 17-19, and 24 have been amended.

Claims 1, 5, and 7-8 stand rejected under 35 U.S.C. 102(b) as being anticipated by Keimel (US 5,163,427, hereinafter "Keimel"). Claim 1 includes "control circuitry, coupled to the energy storage device and the plurality of electrodes, generating the pulse waveform from the stored energy and delivering the pulse waveform to the target site via the plurality of electrodes, wherein the pulse waveform corresponds to multiple phasic signals delivered simultaneously to multiple pathways between the plurality of electrodes, wherein the multiple phasic signals are out of phase by a predetermined phase shift.

Keimel teaches an implantable cardioverter having circuitry for generating sequential pulse regimens; simultaneous, multiple electrode pulse regimens; and single pulse regimens (Fig. 4). Each of these pulse regimens relate to the delivery of discreet pulses along one or two vector pathways, either sequentially or simultaneously. As discussed in the background of the instant application, these pulse regimens are known in the art. The present invention is distinct from these prior art methods in that the present invention is directed to multiple phasic signals delivered simultaneously and out of phase to multiple pathways, as stated in claim 1 for example. Keimel fails to teach or suggest delivering a pulse waveform corresponding to multiple phasic signals delivered simultaneously to multiple pathways between a plurality of electrodes, wherein the phasic signals are delivered out of phase. Applicant respectfully submits that the rejection should be withdrawn.

The remainder of the claims stand variously rejected under U.S.C. 103(a) in view of Keimel and additional cited references. None of the cited references, alone or combined, remedy the deficiency relating to delivering multiple phasic

Appl. No. 10/804,322  
Supplemental Reply to Office action of March 27, 2006  
Page 8 of 8

signals delivered simultaneously to multiple pathways between a plurality of electrodes, wherein the phasic signals are out of phase by a predetermined phase shift. The Examiner has asserted that Belt (US 4,436,093) discloses a phase shift for the multiple signals. Belt discloses a battery powered external pacer including a sense amplifier having an active notch filter system for attenuating power line interference. Belt teaches sampling a cardiac signal using a sense amplifier comprising a plurality of selectable sample and hold channels. The channels are sequentially and repeatedly selected (sampled) at a sampling rate higher than the interfering power line frequency. Belt concerns sampling a cardiac signal on multiple sense amplifier channels. Belt fails to teach or suggest delivering a pulse waveform corresponding to multiple phasic signals and thus fails to teach delivering multiple phasic signals out of phase by a predetermined phase shift. Applicant submits that the present claims would not have been obvious to one of ordinary skill in the art from the combination of references cited by the Examiner.

Applicant respectfully asserts that the present claims are in condition for allowance and notice of the same is earnestly solicited.

Respectfully submitted,

KEVIN WANASEK ET AL.

August 31, 2006  
Date

/Michael C. Soldner/  
Michael C. Soldner  
Reg. No. 41,455  
(763) 514-4842  
Customer No. 27581